

Consultation on the Revised waste Duty of Care Code of Practice

Thank you for this opportunity to comment on this important document. The Chartered Institution of Wastes Management (CIWM) has contributed fully to the development of this consultation version of the Waste Duty of Care (DoC) Code of Practice and CIWM has submitted our responses to the specific questions raised via your web portal. However, there are points that CIWM would stress in this consultation as follows:

1. Ease of Access

The draft Code of Practice is concise and well-written in plain English. That means it should be easy for businesses to access and understand. However, it is clear that awareness of the waste Duty of Care and the need to comply with it is generally low amongst businesses in general. Clear and sustained promotion of the DoC itself and of this Guide will therefore be needed.

CIWM is actively engaged in the Environment Agency-led 'Right Waste, Right Place' project. That project will need to refer directly to the new Code of Practice and we will use all of our communications routes inside and outside of this sector to support awareness of it and DoC compliance in general. We urge Government to do the same.

2. Additional Guidance

CIWM contributed to the 2012 / 13 review exercise which has resulted in additional best practice case studies etc. being included in the Scotland and Northern Ireland DoC guidance. The England and Wales Code of Practice has deliberately been kept short and simple. Whilst we recognise the value of that approach (see above) we also believe that extended best practice guidance is valuable to businesses. We therefore recommend that the Right Waste, Right Place project should consider future hosting, update and access to that material, possibly via a third party, and that that material is directly referenced in the new Code of Practice.

3. Electronic Duty of Care (edoc)

This web-based tool for efficient and effective compliance with DoC, and for generating vital resources and wastes information at both individual company and strategic levels, is free to all users. It is supported by all four UK Governments and may be made mandatory for businesses in Scotland under the current Scottish Government Circular Economy consultation. Other UK governments may also consider taking the same step.

The Duty of Care Code of Practice should, therefore, be used to promote awareness and use of the edoc system much more strongly than in this consultation version. Edoc is free to access and has many helpful features for users including: on-screen help; tools to generate accurate SIC and EWC codes; complementary on-line instruction videos; a template Waste Transfer Note and other forms of user support including a telephone help-desk via the



system administrator. It is, therefore, a valuable aid to DoC compliance – directly supporting the fight against waste crime. It is also a directly-accessible record of wastes produced and transferred by a business, supporting resource use awareness and waste prevention. Edoc is also likely to be the only realistic option for generation and use of industrial and commercial resources and wastes data which is needed to support strategy and policy development and for design of future waste services and infrastructure.

UK Governments have, to date, relied on time-consuming, costly and unreliable sample surveys of industrial and commercial waste production and management. If the edoc system is properly promoted and used by businesses of all types it should provide data superior in all regards to previous sample surveys whilst fully protecting the commercial interests of business who supply the information.

4. Red Tape Review

CIWM has made a full response under the current Red Tape Review, stressing the importance of robust and effective enforcement, and in some cases up-date or improvement, of the waste legislation already in place – rather than seeking to cut it or water it down.

The waste Duty of Care is probably the most fundamental form of waste regulation for businesses, and we have recommended support for the Duty of Care – beyond the current Right Waste, Right Place project – for its promotion and enforcement. We have also noted inherent weaknesses in the Duty of Care itself and its ability to deliver timely and reliable information re waste flows. As a development of our chairing role for the edoc Technical Advisory Group, CIWM is proposing to hold a practitioners' round-table discussion to explore whether and how these weaknesses can be overcome, either through best practice and advice or through amending the regulations themselves. Defra have already been invited to take part in that discussion.

Subject to the minor points raised relating to the Duty of Care Code of Practice draft, this document should be key to:

- Cutting waste crime (estimated to cost in excess of £0.5bn per year)
- Support resource awareness and waste prevention (estimated UK value £3bn and 250,000 additional jobs).

Used in conjunction with edoc, users will:

- Streamline compliance, reducing administration workload and costs
- Generate more reliable data on waste and resources flows driving better compliance and resource efficiency in individual businesses and provide evidence for decision-makers at all levels.

The waste Duty of Care, the Code of Practice and the edoc system should therefore be priorities for Government promotion and support.

